

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CHARLES RASO, TRUSTEE
of the MASSACHUSETTS BRICKLAYERS
AND MASONS HEALTH AND WELFARE,
PENSION AND ANNUITY FUNDS,

Plaintiff,

v.

DEPAOLI MOSAIC CO., INC., FINAMORA
REALTY TRUST and WALTER F. MORGAN, JR.
Individually and as President of
DEPAOLI MOSAIC CO., INC.

Defendants.

C. A. No. 05-11380-RGS

STIPULATION OF DISMISSAL WITH PREJUDICE

Pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure, the Plaintiff and Defendants hereby jointly file this Stipulation of Dismissal. The Dismissal shall be entered with prejudice, all rights of appeal being waived, and with each party bearing its own costs and attorney fees in this matter.

For the Plaintiff,

Charles Raso, Trustee of
Massachusetts Bricklayers and Masons
Health, Welfare & Annuity Funds,
By his Attorney,

/s/ Michael A. Feinberg
Michael A. Feinberg, BBO #161400
Feinberg, Campbell & Zack, P.C.
177 Milk Street
Boston, MA 02109
(617) 338-1976

For the Defendants,

DEPAOLI MOSAIC CO., INC. et al.
By their Attorney,

/s/ William R. Moriarty
William R. Moriarty, Esq.
Sassoon & Cymrot
84 State Street
Boston, MA 02109
(617) 720-0099

Dated: March 21, 2006